

IC 15-7-4.9

Chapter 4.9. Indiana Development Finance Authority;
Agricultural Development; Definitions

IC 15-7-4.9-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this chapter and IC 15-7-5.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-2

Agriculture; agricultural enterprise

Sec. 2. "Agriculture" or "agricultural enterprise" includes:

- (1) the real and personal property constituting farms;
- (2) acquiring, enlarging, or improving farms, including farm buildings, land and water development, use, and conservation;
- (3) recreational uses and facilities when incidental to farming;
- (4) enterprises incidental to farming needed to supplement farm income;
- (5) purchasing livestock, poultry, and farm equipment;
- (6) purchasing feed, seed, fertilizer, insecticides, and farm supplies and other essential farm operating expenses including cash rent; and
- (7) other farm and home needs, including farm subsistence.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-2.5

Authority

Sec. 2.5. "Authority" refers to the Indiana development finance authority created by IC 4-4-11.

As added by P.L.11-1990, SEC.114.

IC 15-7-4.9-3

Bonds

Sec. 3. "Bonds" has the meaning set forth in IC 4-4-10.9-2.

As added by P.L.122-1988, SEC.1. Amended by P.L.11-1990, SEC.115.

IC 15-7-4.9-4

Borrower

Sec. 4. "Borrower" means a person who receives a loan under IC 15-7-5.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-5

Contracting party

Sec. 5. "Contracting party" means a party to a lease, sales contract, or loan agreement except the authority.

As added by P.L.122-1988, SEC.1. Amended by P.L.11-1990, SEC.116.

IC 15-7-4.9-6 Repealed

(Repealed by P.L.11-1990, SEC.135.)

IC 15-7-4.9-7**Equipment**

Sec. 7. "Equipment" means a capital item.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-8**Guarantee program**

Sec. 8. "Guarantee program" includes that program of the authority described in IC 15-7-5-19.5 under which it guarantees certain portions of particular mortgages, security agreements, or leases with funds available from its agricultural loan and rural development project guarantee fund.

As added by P.L.122-1988, SEC.1. Amended by P.L.11-1990, SEC.117; P.L.1-1993, SEC.167.

IC 15-7-4.9-9**Lease**

Sec. 9. "Lease" means a lease containing:

- (1) an option to purchase the agricultural enterprise for a nominal sum upon payment in full or provision for payment in full of all bonds issued in connection with the agricultural enterprise or rural development project, all interest on the bonds, and all other expenses in connection with the agricultural enterprise or rural development project; and
- (2) a lease containing an option to purchase the agricultural enterprise or rural development project at any time, as provided in the lease, upon payment of the purchase price sufficient to pay all bonds issued in connection with the agricultural enterprise or rural development project, all interest on the bonds, and all other expenses incurred in connection with the agricultural enterprise or rural development project but under which payment may be made in the form of one (1) or more notes, debentures, or other secured or unsecured debt obligations of the lessee providing for timely payments, including interest on the notes, debentures, or debt obligations sufficient for these purposes and delivered to the authority or to the trustee under the indenture under which the bonds were issued.

As added by P.L.122-1988, SEC.1. Amended by P.L.11-1990, SEC.118.

IC 15-7-4.9-10**Lender**

Sec. 10. "Lender" means:

- (1) a federal or state chartered bank;
- (2) the Federal Land Bank;
- (3) a production credit association;

- (4) bank for cooperatives;
- (5) a savings association;
- (6) a small business investment company; or
- (7) an institution qualified within Indiana to originate and service loans, including an insurance company, credit union, or mortgage loan company.

As added by P.L.122-1988, SEC.1. Amended by P.L.79-1998, SEC.16.

IC 15-7-4.9-11

Loan

Sec. 11. "Loan" means a lease, loan agreement, or sale contract as defined in this chapter.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-12

Loan agreement

Sec. 12. "Loan agreement" means an agreement providing for:

- (1) the authority, or a lender with which the authority has contracted to loan the proceeds derived from the issuance of bonds under IC 15-7-5, to one (1) or more contracting parties to be used for agriculture or agricultural enterprises or rural development projects; and
- (2) the repayment of the loan by the contracting party or parties.

As added by P.L.122-1988, SEC.1. Amended by P.L.11-1990, SEC.119.

IC 15-7-4.9-13

Loan insurer

Sec. 13. "Loan insurer" means:

- (1) an agency, a department, an administration, or an instrumentality, corporate or otherwise, of or in the United States Department of Housing and Urban Development;
- (2) the Farmers Home Administration of the United States Department of Agriculture;
- (3) the United States Department of Veterans Affairs;
- (4) a private mortgage insurance company; or
- (5) a public or private agency that insures or guarantees loans.

As added by P.L.122-1988, SEC.1. Amended by P.L.1-1990, SEC.209.

IC 15-7-4.9-14

Maturity date

Sec. 14. "Maturity date", when used in connection with the guarantee program, means the date on which the mortgage or security agreement indebtedness, or lease obligations, would be extinguished if paid in accordance with periodic payments provided for in the mortgage, security agreement, or lease.

As added by P.L.122-1988, SEC.1. Amended by P.L.1-1993, SEC.168.

IC 15-7-4.9-15**Mortgage**

Sec. 15. "Mortgage", when used in connection with the guarantee program, refers to a mortgage on an agricultural enterprise or rural development project, or the unpaid purchase price of real estate under the laws of this state, together with the credit instruments, if any, that have been secured, including a financing agreement or a financing agreement within the meaning of IC 36-7-12 in connection with real property.

As added by P.L.122-1988, SEC.1. Amended by P.L.11-1990, SEC.120.

IC 15-7-4.9-16**Mortgagee**

Sec. 16. "Mortgagee" means the original lender under a mortgage and the original lender's successors and assigns approved by the commission, including insurance companies, trust companies, banks, investment companies, savings banks, executors, trustees, and other fiduciaries, such as pensions and retirement funds.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-17**Mortgage payments**

Sec. 17. "Mortgage payments" means periodic payments called for by the mortgage covering interest, installments of principal, taxes and assessments, mortgage insurance premiums, and hazard insurance premiums.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-18**Mortgagor**

Sec. 18. "Mortgagor" means the original borrower under a mortgage and the original borrower's successors and assigns.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-19**Person**

Sec. 19. "Person" means an individual, a partnership, a firm, an association, a joint venture, a limited liability company, or a corporation.

As added by P.L.122-1988, SEC.1. Amended by P.L.8-1993, SEC.247.

IC 15-7-4.9-19.5**Rural development project**

Sec. 19.5. "Rural development project" includes:

- (1) the acquisition of land;
- (2) interests in land;
- (3) site improvements;
- (4) infrastructure improvements;

- (5) buildings;
- (6) structures;
- (7) rehabilitation, renovation, and enlargement of buildings and structures;
- (8) machinery;
- (9) equipment;
- (10) furnishings; or
- (11) facilities;

or any combination of these, comprising or being functionally related and subordinate to any project (whether manufacturing, commercial, agricultural, agribusiness, or otherwise) for which the development is determined by the authority to promote, further, enhance, or assist in the growth or maintenance of rural areas in Indiana and to serve the public purposes of the authority set forth in IC 4-4-11-2.

As added by P.L.11-1990, SEC.121.

IC 15-7-4.9-20

Sale contract

Sec. 20. "Sale contract" means a contract providing for the sale of one (1) or more agricultural enterprises consisting of real or personal property to one (1) or more contracting parties and includes a contract providing for payment of the purchase price in one (1) or more installments.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-21

Security agreement

Sec. 21. "Security agreement", when used in connection with the guarantee program, means an agreement which creates or provides for security interest in equipment, including an equipment lease under that program or within the meaning of IC 36-7-12, and a successor provision related to equipment.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-22

Taxable bonds

Sec. 22. "Taxable bonds" means bonds the interest on which will not be excluded from the gross income of the owners of the bonds under Section 103 of the Internal Revenue Code.

As added by P.L.122-1988, SEC.1.

IC 15-7-4.9-23

Tax-exempt bonds

Sec. 23. "Tax-exempt bonds" means bonds the interest on which will be excluded from the gross income of the owners of the bonds under Section 103 of the Internal Revenue Code.

As added by P.L.122-1988, SEC.1.